

Scheindlin, S.

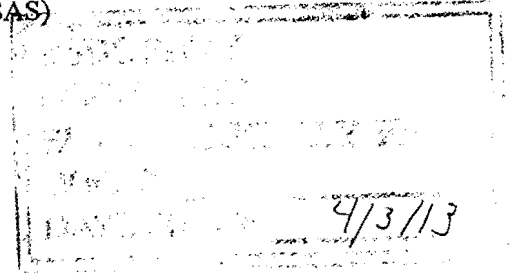
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File C.A. No.
1:00-1898 (SAS)
MDL 1358

This Document Relates To:

City of Fresno v. Chevron U.S.A., Inc., et al.,
Case No. 04-Civ-04973



**STIPULATED DISMISSAL OF DUKE ENERGY MERCHANTS CALIFORNIA, INC.
AND DUKE ENERGY TRADING AND MARKETING, LLC**

WHEREAS Plaintiff City of Fresno agreed to dismiss all claims with prejudice against Duke Energy Merchants California, Inc. and Duke Energy Trading and Marketing, LLC pursuant to Federal Rule of Civil Procedure 41(a)(2), for the reasons stated in the letter of December 12, 2012, from James R. Wedeking to the Honorable Shira A. Scheindlin;

WHEREAS Plaintiff City of Fresno wishes to maintain its claims against Duke Energy Merchants, LLC and Northridge Petroleum Marketing, U.S., Inc.;

WHEREAS the parties now respectfully request that the Court enter the following stipulation and order of dismissal:

The parties hereby stipulate and agree that the Court is hereby authorized and requested to execute and enter the attached Order of Dismissal and to make all such orders and judgment which may be necessary and proper to dismiss the above-titled action against Duke Energy Merchants California, Inc. and Duke Energy Trading and Marketing, LLC with prejudice.

The parties further stipulate and agree that each of the parties to this stipulation shall bear all of their own costs, expenses, and attorneys' fees incurred or to be incurred in connection with this stipulation and order of dismissal.

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SO STIPULATED.

Dated: March 26, 2013

By: Evan Eickmeyer

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Counsel for the City of Fresno

April
Dated: ~~March~~ 2, 2013

By: James R. Wedeking

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*Counsel for Duke Energy Merchants
California, Inc. and Duke Energy Trading and
Marketing, LLC*

4/3/13 **SO ORDERED:**
[Signature]
U.S.D.J. *gm*